

**REMARKS**

Claims 1-22 are currently pending in this application. Reconsideration is respectfully requested in light of the above amendments and the following remarks.

The Examiner rejected claims 1-7 and 10-22 under 35 U.S.C §102(3) as being anticipated by U.S. Patent Publication 2003/0204212 to Burnes et al. Applicant respectfully traverses this rejection.

Applicants' claimed invention as recited in independent claims 1, 15, 19 and 22 is directed towards a method and corresponding apparatus for determining displacement of an electrode. For example independent claim 1 recites a method comprised in part by delivering an electrical signal to a first position using a first electrode located in or adjacent to a first cardiac chamber... sensing a potential generated by the delivered electrical signal using a second electrode located at a second position in or adjacent to a second cardiac chamber and determining a displacement of the second electrode based, at least in part, on the sensed potential. (Underlining added for emphasis only). Applicants respectfully submit that Burnes et al. do not disclose or suggest the recited claim elements.

Rather, the system of Burnes et al. measures impedance across the heart at selected cardiac cycle times as a measure of chamber expansion or contraction. For example, in one embodiment the system of Burnes et al. measures impedance over a long AV interval to obtain the minimum impedance, indicative of maximum ventricular expansion, in order to set the AV interval. (Burnes et al., Abstract). Thus, the system of Burnes et al. monitors intra-thoracic impedance as a function of the expansion and contraction of the heart during various phases of the cardiac cycle.

Burnes et al. do not however, disclose or in any way suggest determining a displacement of an electrode based, at least in part, on the potential sensed by that electrode as recited in the claimed invention. Accordingly, Applicants respectfully submit that claims 1, 15, 19 and 22 of the present application are novel and unobvious over Burnes et al. and are therefore allowable. Applicants further submit that claims 4-7 and 10-14, claims 16-18 and claims 20-21 that depend from claims 1, 15 and 19

respectively are allowable as are claims 1, 15 and 19 and for additional limitations recited therein.

The Examiner rejected claims 8 and 9 under 35 U.S.C §103(a) as being unpatentable over Burnes et al. in view of U.S. Patent No. 4,173,230 to Digby. Applicants respectfully traverse this rejection.

In view of the foregoing analysis of independent claim 1 over Burnes et al., Applicants believe that the rejections of dependent claims 8 and 9 under §103 is rendered moot as claims 8 and 9 depend from allowable independent claim 1. Applicant, therefore, requests withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. § 103(a).

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date

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